IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 27771 of 2004(F)

PETITIONER:

K.SULAIMAN, 2ND GRADE OVERSSER,
KARAPUZHA PROJECT SUB DIVISION, VAZHAVATA,
VAITHIRY TALUK, WAYANAD DISTRICT.

BY ADV. SRI.N.SUKUMARAN
SRI.S.SHYAM
SRI.N.K.KARNIS
SRI.BOBBYMATHEW KOOTHATTUKULAM
SRI.LATHEESH SEBASTIAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO IRRIGATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. CHIEF ENGINEER, IRRIGATION AND
ADMINISTRATION, THIRUVANANTHAPURAM.

3. MR.AJAYAKUMAR V., 1ST GRADE OVERSEER,
WORKING UNDR SUPERINTENDING ENGINEER,
KIP (KB) CIRCLE, KOTTARAKKARA.

BY ADV. SRI. K.R. DEEPA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHBITS:

EXT.P1: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT BEARING G.O. (MS)34/91/PW&T DATED 14.5.1991.

EXT.P2: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DT. 31.10.1995 BEARING NO. A5/561/92.

EXT.P3: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 22.1.1996 BEARING NO. A5-561/92(vol. III)

EXT.P4: TRUE COPY OF THE SENIORITY LIST PUBLISHED BY THE 2ND RESPONDENT BEARING ORDER NO. ICI 7297/96 DT. 12.2.99.

EXT.P5: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 28.6.2001.

EXT.P6: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 30.6.2004 BEARING NO. I.C.I - 24780/2001.

EXT.P7: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 10.08.2004 BEARING NO. A4-17200/2001.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 27771 OF 2007

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Dated this the 11th day of July, 2007.

JUDGMENT

The petitioner approached this Court with certain grievances regarding the denial of promotion to the post of Overseer Grade- I. He submitted a representation before the Chief Engineer and the same has been turned down as baseless. According to the petitioner, a perusal of the promotion list could show that juniors to the petitioner have been given promotion earlier than the petitioner and they have been given seniority also. During the pendency of the writ petition, it is submitted that the petitioner has also been promoted as Overseer Grade-I. The surviving dispute is only with regard to the seniority. Since the impugned order is passed by the Chief Engineer, it will be open to the petitioner to move the 1st respondent . The writ petition is disposed of as follows:

In the event of petitioner approaching the 1st respondent within a period of two months from today, the grievance regarding seniority will be considered by the 1st respondent with notice to the petitioner and the 3rd respondent and any other affected parties and appropriate action, in accordance with law, in the matter will be taken within another four months.

KURIAN JOSEPH, JUDGE.

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